

Director's Order #21: Donations and Fundraising

Approved: /s/ Fran P. Mainella
Director, National Park Service

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Sunset Date: December 31, 2003

This is an interim reissue of the Donations and Fundraising Director's Order, which sunset September 18, 2002. The intent is to update this order by December 31, 2003, after the Partnership Council has made its editing recommendations and all interested parties have had an opportunity for review and comment. The only changes to this order during the interim period are corrections to position titles and assignment of responsibilities resulting from WASO reorganization.

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SECTION 1. BACKGROUND AND OBJECTIVES

The National Park Service (NPS) welcomes and encourages support from the private sector to supplement public funds appropriated by Congress. Donations come to the NPS from individuals, organizations, foundations, corporations, businesses, and other entities purely as expressions of support, in response to the donor's awareness of needs, or as a result of an organized fundraising campaign by others that benefits the NPS. Whatever the motivation, private sector funds and in-kind contributions enhance NPS's ability to carry out its programs and activities. The NPS appreciates the generosity of those who donate directly, and those who work through authorized non-profit organizations and other authorized individuals or entities (for the purposes of this policy, collectively referred to as "NPS partners") to raise funds for the benefit of the National Park System or the programs of the National Park Service.

The NPS recognizes and appreciates the efforts of non-profit support organizations such as friends groups, cooperating associations, the National Park Foundation, and park specific foundations, that are willing and able to fundraise for national park units and programs. In addition to these non-profit support organizations, occasionally it may be appropriate to authorize another entity (an individual, corporation, business or other organizational entity) to raise money to benefit the NPS. (See *Reference Guide to Donations and Fundraising* for additional guidance.)

Cooperating associations have a long history of enhancing and supporting the educational and interpretive role of the national parks in meaningful ways, including raising funds for interpretive, educational or related projects that help visitors better understand and appreciate park resources or the National Park System. They may also accept and pass on to the NPS donations for special, visitor-related educational or interpretive program activities and events. Friends groups and park-specific foundations play an increasingly vital role in supporting the NPS mission. In addition to providing volunteer and community support for individual parks,

these organizations often undertake fundraising projects and substantial capital campaigns to benefit the park area they support.

The policies and procedures in this Director's Order are intended to serve as the framework for NPS employees' conduct in relation to donation activities and fundraising campaigns which benefit the NPS. Through their application, the NPS seeks to ensure the integrity and appropriateness of donations and beneficial fundraising activities.

This "Level 2" Director's Order is not an exhaustive compilation of everything NPS employees need or may wish to know about fundraising. More detailed information, is contained in the "Level 3" *Reference Guide to Donations and Fundraising* and the Standards of Conduct for Employees of the Executive Branch (5 CFR 2635.808).

Special Directive 95-12, Special Directive 89-2, Staff Directive 84-1, and the October 15, 1986, Policy on Fundraising and Philanthropy are rescinded and superseded by this Director's Order and by standards and procedures to be issued by the Associate Director for Partnerships, Education and Interpretation, Volunteers, and Outdoor Recreation (ADPIEVOR) under authority delegated by this Director's Order, and contained in the *Reference Guide to Donations and Fundraising*. In addition, this Director's Order has been reviewed by the Solicitor, is generally consistent with the *Donation Activity Guidelines* issued by the Solicitor and the Assistant Secretary for Policy, Management & Budget (May 21, 1996) and reflects an approved refinement of those guidelines. To the extent of any inconsistency, this policy supersedes those guidelines for the NPS.

SECTION 2. AUTHORITY TO ISSUE THIS DIRECTOR'S ORDER

The authority for issuing this Director's Order is contained in 16 U.S.C. 1 through 4, and 16 U.S.C. 6.

SECTION 3. AUTHORITY FOR DONATION ACTIVITIES

3.1 Legal Authority

16 U.S.C. §6 expressly authorizes NPS to accept donations for purposes of the National Park System. In addition, the Museum Act of 1955 (16 U.S.C. 18f) authorizes the NPS to accept donations and bequests of money or other personal property and hold, use, expend, and administer same for the purposes of that Act.

The NPS may accept contributions from individuals, organizations, foundations, corporations, businesses, associations, and other entities. Donations may be in the form of cash, securities (common stocks, preferred stocks, bonds), real property (land and improvements), facilities, personal property, and services. Donations of land, buildings, and other property must be within the boundaries of the park unit and are subject to any statutory limitations for that unit.

However, it should be emphasized that neither the NPS nor its employees has authority to solicit donations. For the purpose of this order, "solicit" or "solicitation" means any action that the party

approached may construe as a serious request for money or in-kind services or goods. While this does not prevent an NPS employee from responding to a question on how to donate, it does prevent that employee from distributing unsolicited donor envelopes to visitors.

Applying for grants from public or private entities on behalf of the NPS, seeking funds from a public agency at the federal, state, or local level, identifying the needs of the NPS or explaining the ability of the NPS to accept donations, or recruiting volunteers in the Volunteer in Parks program, are appropriate activities and are not considered to be solicitation.

In addition, NPS partners may be authorized through an agreement with the NPS to 1) undertake specific fundraising campaigns or 2) in the context of other agreements establishing the relationship between the partner and the NPS, to solicit and accept donations for the NPS's benefit.

To aid the NPS in its mission, the Congress chartered the National Park Foundation (NPF) and authorized it to both accept and solicit donations benefiting the NPS. The NPF is unique among NPS fundraising partners since it is the only organization established by Congress explicitly to encourage and accept private sector support for the National Park Service and the National Park System. NPS recognizes NPF as its official, national, non-profit fundraising partner. NPF provides support through grants to parks, manages restricted funds on behalf of individual parks, provides technical assistance and advice to local fundraising efforts, and actively raises funds for parks and programs.

In addition to NPF, the Congress has, from time to time, recognized other entities as the fundraising organization for specific units of the National Park System.

3.2 Delegation of Authority

3.2.1 Generally. The Associate Director for Partnerships, Interpretation and Education, Volunteers, and Outdoor Recreation (ADPIEVOR) is delegated the functional authority to monitor compliance with the policies, procedures and standards set forth in this Director's Order; to establish those procedures or standards identified in this Director's Order; and to manage the NPS relationship with the National Park Foundation. The ADPIEVOR will develop a *Reference Guide to Donations and Fundraising* to assist NPS managers in understanding and complying with this Director's Order and applicable government ethics regulations. Director's Order 24 and the NPS Museum Handbook provide additional policy and guidance specific to museum collections.

3.2.2 Approvals. The Deputy Directors, Associate Directors, Regional Directors, National Center Managers, and park superintendents, are delegated authority to accept donations.

The Deputy Directors, Associate Directors, and Regional Directors are delegated authority to authorize an NPS partner to raise funds to benefit the NPS, subject to the restrictions contained in this Directors' Order, except:

(a) Single donations of \$1 million or more require the Director's approval. The Director may waive this requirement in the context of an approved fundraising campaign.

(b) Proposed fundraising campaigns by authorized NPS partners that will benefit the NPS require the approval of the Director if:

- (1) they have a goal of \$1 million or more;
- (2) funds will be solicited nationally;
- (3) they involve national advertising or promotional elements; or
- (4) there is the likelihood for significant controversy.

Fundraising not subject to the Director's approval may be approved by the appropriate Regional, Associate, or Deputy Director, who may further delegate approval to the NPS manager overseeing the campaign.

In the case of an authorized NPS partner with a proven record of successful fundraising, at the request of the NPS manager overseeing the fundraising campaign and with concurrence of the appropriate Regional/Associate Director, the Director may raise the \$1 million dollar level of campaigns requiring approval and/or delegate approval to the Deputy Director, Regional Director, Associate Director, or NPS manager that will oversee the campaign.

Fundraising to benefit the NPS that does not require the approval of the Director must be authorized per this delegation of authority. This can be a general authorization within the context of an agreement establishing the overall relationship with the NPS partner or in a separate agreement on fundraising.

Best efforts will be made to respond to all requests for approval within 30 days of receipt. The ADPIEVOR will maintain a roster of all approvals granted by the Director.

SECTION 4. GENERAL POLICIES

Through this policy, the work of the National Park Foundation, and the efforts of NPS partners, the NPS seeks to encourage philanthropic and other private sector support to enhance its mission and its programs and activities on behalf of the American public.

4.1 NPS Role in Donations and Fundraising

In general, NPS officials in accordance with the delegations of authority found elsewhere in this Director's Order:

- (1) may identify projects, programs, or objectives that are appropriate for private sector support;
- (2) may describe NPS needs to potential donors and the public;

- (3) may authorize specific NPS partners to conduct fundraising campaigns for the benefit of a park or project;
- (4) must review and approve all fundraising and other informational materials prior to their distribution and set other appropriate standards;
- (5) must monitor the activities of those who fundraise for the benefit of NPS;
- (6) must ensure accountability for all donations received;
- (7) must verify construction cost estimates prior to initiating a fundraising campaign involving construction;
- (8) must ensure that all in-park construction projects are consistent with the park's General Management Plan and other planning documents and meet NPS compliance and operational standards, including the National Environmental Policy Act, Section 7 of the Endangered Species Act, and Section 106 of the National Historic Preservation Act;
- (9) will, when an NPS partner donates the on-site construction of a capital improvement, issue the organization a standard Special Use Permit or other appropriate authorization, and must review and approve all conceptual designs, plans, and specifications, construction change orders and conduct periodic inspections to ensure conformance to NPS construction requirements and standards;
- (10) will work with NPS partners to apprise them of the cost and future operational implications of major donations and identify means to mitigate and/or fund them; and,
- (11) may recognize donors consistent with Section 7 of this Director's Order.

An NPS employee may not serve on the Board, as a voting member or ex-officio member, or as an officer of a cooperating association, friends group, or other NPS partner organization that is authorized to raise funds for the benefit of the NPS. The only exception is the statutory role of the Director on the National Park Foundation Board.

4.2 NPS Partners

All fundraising to benefit the NPS must be authorized in a written agreement. Fundraising that is not subject to the Director's approval may be authorized in a general agreement that defines the relationship between the NPS and the partner organization, or in an agreement specific to the fundraising goal. These agreements will be separate and distinct from other agreements for interpretive, operational, research, educational cooperating association operation, and other activities performed by NPS fundraising partners. This requirement for authorization and approval does not apply to fundraising by an NPS partner for purposes that do not directly benefit the NPS, such as fundraising to cover internal costs or non-NPS projects.

The NPS welcomes and values the commitment of non-profit park support organizations and other NPS partners and the many contributions they make to the National Park Service and National Park System. NPS employees will endeavor to develop and maintain professional relationships with these fundraising organizations and others that are based on a mutual understanding and agreement on the goals and functions of both the NPS and the organization.

4.3 Use of Donations

Donations may be used to fund any NPS activity for which appropriated funds could normally be used, subject to the following:

- (a) The NPS will not accept donations from cooperating associations to fund any government personnel salaries or benefits with the exceptions of support for temporary employees working on special interpretive, educational, or research projects that are funded by donations and the reimbursement of employees of the Harpers Ferry Center working directly on media projects or plans donated to the Service by an Association.
- (b) Other donations to the NPS may not be used to fund NPS salaries, except for:
 - (1) term or temporary employees;
 - (2) those permanent employees who are directly engaged in activities implementing a capital improvement of a project nature that is being funded by donations. This exception applies only to employees who normally charge their time to project accounts, such as NPS planners, architects, landscape architects, exhibit specialists, and construction supervisors. NPS employees may not directly accept a donation in the form of salary or other compensation.
- (c) Donations will not be used to begin construction, or any phase of construction or other NPS project, where there are not sufficient appropriated and/or donated funds in hand to complete the work so that it is usable. Donated funds may, however, be used to advance project design work.
- (d) Donated funds may pay the cost of NPS-conducted plans or studies, however, standard planning/study procedures will be followed. Construction projects, research projects, books, mapping, exhibits, films, and all other projects that are funded by donations and that require planning and design must receive the same reviews and approvals as similar projects funded through the normal budget process. NPS will make its best efforts to expedite reviews and approvals as necessary to facilitate the goals of a fundraising campaign.
- (e) Donations may be made to create an endowment to cover specific future costs associated with the acceptance of a donation, or the more general long-term needs of the park or program (see Section 6.4).

4.4 In-park Donations

4.4.1 Visitors. It is appropriate to assist park visitors who seek information on how to make a donation to the park or the NPS, but visitors who have expressed no interest in such information must not be asked for donations by anyone. Unless visitors have specifically provided authorization, visitor names from sources such as permit applications, backcountry or campground registrations may not be given to or used by any third party, except as provided under the Freedom of Information Act. Visitors may also specifically request and authorize the NPS to provide them with additional information about the NPS, the park, and/or its needs.

4.4.2 Donation Boxes. Only NPS donation boxes and NPS partner donation boxes which provide that 100% of the collections go to the NPS are permitted on park property. All collection devices must clearly advise the public how the money will be used by the park. Without this information, monies collected in a donation box must be considered miscellaneous receipts to the U.S. Treasury. NPS donation boxes may be placed only on NPS property or on property jointly administered by or for the benefit of the NPS. Donation boxes may recognize the role of an NPS partner in maintaining the box under its agreement with the park. (See *Reference Guide* for accountability requirements). Funds received from NPS donation boxes on jointly administered property (e.g. joint visitor centers, heritage areas, leased facilities outside of parks) must be accounted for in the same manner as those located on NPS-controlled property.

4.4.3 Displays. Park managers may allow architectural drawings, models, graphics and other descriptive information to be displayed or otherwise made available to educate visitors about the purpose of an authorized fundraising effort, the identity of the authorized NPS fundraising partner, and how visitors may get additional information or offer assistance. Donor envelopes may be included with the informational literature.

4.4.4 In-Park Events. Requests from NPS partners engaged in authorized fundraising activities to use park facilities for events or activities are subject to the same review and approval, and if necessary, issuance of a permit for facility use on the same basis as any other non-NPS user. (See also 36 CFR 2.50 and 2.51)

4.5 Declining Donations

4.5.1 Generally. The NPS reserves the right to decline any gift.

4.5.2 Prohibited Sources. The NPS will not accept a direct donation from persons or entities:

- (a) that have litigation pending with the NPS;
- (b) that have or are seeking to obtain a contract, lease, grant or other business, benefit or assistance from the NPS. This prohibition includes concessioners, but not cooperating associations which have limited concession permits to sell visitor convenience items. Additionally, notwithstanding these prohibitions, a donation involving land or interest in land otherwise made as a part of a land transaction may be accepted but must be specifically reviewed and approved by the

Solicitors' Office to assure that such donation is consistent with the purposes of this policy;

(c) that conduct commercial operations or activities that are regulated by the NPS;

(d) that appear to be offering a gift with the expectation of obtaining advantage or preference in dealing with the Department of the Interior or any of its agencies;

(e) that are directly associated with any product, service, or enterprise that would reflect adversely on the NPS mission and image, such as alcohol or tobacco products;

(f) where acceptance would create a conflict of interest or the appearance of a conflict of interest for the NPS or the Department of the Interior;

(g) where the conditions placed on a donation are inconsistent with the authorized purposes, policies, and planning documents of the NPS, the park or the program or where the NPS cannot adequately maintain donated real or personal property;

(h) where the donation is inconsistent with or otherwise seeks to circumvent laws, regulations or policies;

(i) where the donation is to an employee in the form of a "reward", salary, or honorarium for his or her personal use. This does not preclude an employee from re-directing any such donation to the NPS or an NPS partner; or

(j) when the acceptance of the donation will be used by the donor to state or imply the endorsement of the NPS of any product, service or entity.

Procedures to determine if a potential donor falls into any of these categories are included in the *Reference Guide to Donations and Fundraising*.

Where a source cannot give directly to the NPS, extreme caution must be exercised when the contribution is offered to NPS partners. The NPS partner must first consult with the Director or Deputy, Regional, or Associate Director prior to soliciting, accepting, and recognizing any such gift that is intended for park purposes. In the consultation process, consideration must be given to how the solicitation, acceptance, and recognition of the donation will reflect on not only the NPS partner and the park/program it supports, but the entire NPS and the Department.

4.6 Challenges

The NPS will not accept donations that impose a fundraising "challenge" to the NPS to match the donation. Such a challenge would constitute an inappropriate influence on the NPS and the Congressional budget process. This does not prohibit the NPS from using donated or appropriated funds as a match for donations from outside parties (i.e. the Challenge Cost Share

program). However, care must be exercised to ensure that the NPS "match" does not itself become a solicitation.

4.7 Ethical Considerations

NPS employees are governed by ethics regulations which prohibit federal employees, without specific statutory authority, from using their official title, position, or any authority associated with their public office to further a private fundraising effort. NPS employees will not use their positions in ways that might imply an endorsement of a commercial product, service, or enterprise. The NPS may publicly thank a donor that has supported the NPS mission, and endorse those fundraising activities of a NPS partner subject to an approved fundraising agreement with the NPS. However, care must be exercised to ensure that such endorsement does not imply a solicitation from the NPS.

The NPS will not accept funds donated from organizations in which an NPS employee is an officer, on the Board of Directors (including ex-officio) or is otherwise engaged in a leadership or coordinating role with the organization, unless the arrangement has been reviewed and approved by the Department of the Interior Solicitor and the Departmental Ethics Officer. This does not preclude NPS employees from carrying out their official role as coordinator under the applicable agreement with the NPS partner.

4.8 Funds Accountability

All monetary gifts received directly by the NPS must be deposited in a donation account and accounted for and disbursed under the same standards of accountability and the same internal processes and protections as monies appropriated by Congress. All non-monetary gifts must be accounted for under the same standards and procedures used to account for other similar government property. Procedures that must be followed will be prescribed in the *Reference Guide to Donations and Fundraising*.

4.9 Annual Report

Every park or program that receives donations must submit an annual report to the Director detailing the amount, and, if in-kind, type of donations received. The content, format, timing and other requirements for this report will be prescribed in the *Reference Guide to Donations and Fundraising*.

SECTION 5. CORPORATE AND BUSINESS DONATIONS

Corporations and businesses generally offer two primary forms of donations: philanthropic donations (often from a corporate foundation), or donations that are tied to advertising or product sales -- known as cause related marketing. These donations, whether offered as gifts of money or products, may be accepted and recognized, consistent with NPS donation policies (see also section 4.5 *Declining Donations*.)

It is appropriate for corporations to announce publicly their donations and the ways in which those donations will benefit the public. The NPS may participate in, host, or otherwise facilitate a public announcement, using it as an opportunity not only to recognize the donor but also to explain how the donation advances the NPS mission. All advertising, promotional, or marketing materials associated with a corporate donation must be reviewed and approved for appropriateness and accuracy by the NPS official responsible for managing the program.

The NPS must ensure that corporate donors are aware that product solicitations, product sampling and advertising within the parks are strictly prohibited and will not be considered as a condition or result of any donation. This does not prevent a donor from providing products that will be used or consumed during a permitted event on site.

5.1 In General

The following policies apply to the acceptance of all donations from businesses and corporations:

- (a) The fact of the NPS's acceptance of their donation and, in the case of in-kind contributions, the NPS's acceptance of their donated products may be noted in their advertisements and other public materials.
- (b) The NPS will not approve an advertisement or other public material that implies that NPS has "selected" a corporation's or business' products or services, prefers a corporation's or business' products or services over competitors' products or services, or otherwise suggests or implies an endorsement of a corporation's or business' products or services.
- (c) The NPS will not allow the Arrowhead symbol or an NPS employee or any part of the uniform to be featured in any commercial advertisement.
- (d) The NPS will not approve an advertisement or other public material which depicts illegal or irresponsible activities or those incompatible with NPS policies.
- (e) The NPS will encourage corporations and businesses to use their advertising and promotions for communicating positive messages about what citizens can do to help protect and preserve natural, cultural, and recreational resource values.
- (f) The NPS will not be party to a cause related marketing relationship through an NPS partner with any person or entity identified in Section 4.5 *Declining Donations*.

When the NPS becomes aware of a business or corporation advertising a real or implied relationship with the NPS that violates any of these policies, that activity should be immediately brought to the attention of the NPS Manager overseeing the cause related marketing agreement or, in the case of an unauthorized advertisement, the Regional/Associate Director, or Director, who will contact the business or corporation to resolve the issue.

5.2 Philanthropic Donations

Corporate or business philanthropic donations may be recognized consistent with the provisions of Section 7, Donor Recognition. Corporate or business philanthropic donations generally come from an affiliated foundation. In some instances, a corporation or business may seek to raise funds to benefit the NPS from among its employees, officers or shareholders, or match their contributions. If consistent with the other applicable provisions of this policy, these donations may be accepted by the NPS.

5.3 Park-based Cause Related Marketing

A cause related marketing relationship between the NPS and an NPS partner and a business or corporation must be documented in a formal agreement. The agreement must be consistent with this policy and must have a term of 12 months or less, which may be renewed in 12 month increments. Longer term agreements require the specific written approval of the Director. The content of a standard agreement will be prescribed in the *Reference Guide to Donations and Fundraising*. Parks are also encouraged to consult with the National Park Foundation for guidance and advice on constructing an appropriate agreement. Cause related marketing agreements must receive prior review by the Solicitor's Office, and may require approval by the Regional Director or Director, using the same criteria as approval of fundraising campaigns (see section 3.2.2 *Approvals*).

See following section for those limited instances, including restrictions on agreement renewals, when the national cause related marketing program affects park-based cause related marketing.

5.4 National Cause Related Marketing

By written agreement, the NPS has delegated to the NPF, in recognition of its charter to support the entire NPS, management of all national cause related marketing campaigns that have Service-wide benefits. With the prior written approval of the Director, the National Park Foundation may enter into a limited number (the number to be determined by the Director) of national cause related marketing agreements defining the relationship in a business, product or service category that may take precedence over a park-based cause related marketing effort involving the same business or product category.

When the NPF has secured the Director's approval and signs such an agreement, the Director will notify all park managers of the new national donor, the purpose of the donation, the category of corporate or business donor affected, and the effective beginning and end dates of the agreement with NPF.

When such agreements are in effect, no new park-based cause related marketing agreement in this business, product, or service category may be signed. Park-based cause related marketing already in progress may continue until the end of the agreed-upon term. A park-based cause related marketing agreement under negotiation at the time a national agreement is announced may be referred to the ADCRSP for a determination as to its status. All questions about the

effect of a national agreement on park-based cause related marketing should be referred to the ADCRSP for resolution.

All other donations, including gifts from donors in the same business category as a national donor, that do not involve advertising, may be accepted by parks and authorized park partners and recognized under all other NPS donor recognition standards.

Procedures to govern NPF cause related marketing programs will be developed and included in the *Reference Guide to Donations and Fundraising*.

SECTION 6. FUNDRAISING CAMPAIGNS

A fundraising campaign is an organized effort to solicit funds for a specific purpose. Only an NPS partner with a written agreement with the NPS may conduct fundraising campaigns that state they are for the benefit of the NPS. All fundraising campaigns will be conducted in accordance with the highest standards of professional philanthropy (see *Reference Guide to Donations and Fundraising* for examples from several organizations). Fundraising campaigns may be directed only at projects or programs that are consistent with pertinent NPS management plans, other planning documents, and *NPS Management Policies*.

Fundraising campaigns for the benefit of the NPS are not and will not be permitted to portray either Congress or the NPS as having failed to meet their responsibilities. Unless authorized by law, the requirements of most basic park operations such as permanent salaries, search and rescue, and law enforcement are to be met through the budget process. While donations may be used for these purposes, consistent with Section 4.3, they are not to be the goal of a fundraising campaign. (This does not prevent efforts to raise funds as a reward for the apprehension of a suspect in a criminal case.)

Fundraising campaigns should not solicit funds for projects or programs included in the Department's budget request to Congress.

A fundraising campaign for a major capital improvement must set a goal to raise the entire amount, unless there are distinct, free-standing portions or a different goal is authorized by statute.

If NPS becomes aware of an unauthorized fundraising campaign, those directing the campaign will be advised of the need for an agreement with the NPS. If an agreement cannot be reached, the NPS will advise those directing the campaign to cease their efforts, may reject all donations produced by the campaign, and will, if appropriate, undertake legal action.

6.1 Director's Approval

A request for the Director's approval of a proposed fundraising campaign (see also Section 3.2.2.) must include the following:

- (a) A memo from the appropriate NPS manager requesting approval describing the project or program to be funded by the campaign;

This memo must include:

- (1) the recommendation of the Regional/Associate Director;
- (2) the financial goal of the campaign (broken down by major components);
- (3) a determination that the project or program is consistent with park planning documents and NPS management policies;
- (4) a description of the partner that has agreed to take on this role and the length and nature of the current relationship with the partner, if any;
- (5) any significant additional annual expenses for operations, maintenance, or staffing, or additional unfunded non-recurring costs that will result, the expected source(s) of funding and whether within current funding levels or proposed future increases; and
- (6) any additional information that would inform the Director's review of the request.

(b) a draft agreement; and

(c) other information as may be specified in the reference guide.

The request for approval will be assessed according to the following criteria:

- (a) consistency of the program or project with NPS plans;
- (b) consistency of the agreement with applicable laws, and NPS regulations and policies;
- (c) an assessment of the magnitude of any future requirements on the NPS budget;
- (d) the overall likelihood of success; and
- (e) for capital campaigns, the creation of an endowment to cover future needs.

The Director may approve, conditionally approve, or reject the request. Best efforts will be made to make this determination within 30 days of receipt of the request.

Approval of the proposed campaign will allow the NPS Manager (or Regional Director as appropriate) to sign the agreement and proceed with the next steps. The Director may make approval conditional on the results of a satisfactory feasibility study, fundraising plan, or other requirements that may be imposed by the agreement.

In the case of a conditional approval, no public announcement of the campaign may be made until final approval has been received. This is not meant to preclude the NPS partner from seeking "seed money" that may be required to undertake the feasibility study, develop the fundraising plan, or create the initial project proposals/drawings that may be needed to take the next steps.

Feasibility studies, fundraising plans, and other requirements of the agreement must be submitted to the Director for approval.

6.2 Fundraising Agreements

When an NPS partner and an NPS manager mutually agree that a fundraising campaign is desirable, a formal fundraising agreement will be prepared in draft for review by the Solicitor's Office and signature by the NPS partner and by the NPS manager or Regional or Associate Director, as appropriate. The primary purpose of the fundraising agreement will be to identify:

- (1) roles and responsibilities of the NPS and NPS partner;
- (2) the project(s) or program(s) to be funded and the priority order of funding, if appropriate;
- (3) the procedures under which the campaign will be conducted including adherence to NPS policies;
- (4) the procedure for NPS review and approval of planning, design, and construction if the agreement envisions the partner constructing a facility for donation to the NPS;
- (5) the creation of an endowment, if appropriate; and
- (6) the disposition of all donated funds.

Standard language and format to be used in fundraising agreements will be prescribed in the *Reference Guide to Donations and Fundraising*. Agreements cannot be exclusive but may designate an NPS partner as the "primary" fund-raiser to avoid confusion among prospective donors. Those agreements that govern campaigns subject to the approval of the Director and Regional or Associate Directors, must be submitted for approval prior to being signed. If a proposed fundraising organization will not accept the terms or conditions of the formal agreement, the NPS manager must notify the fundraiser in writing that the NPS will not condone its activity and will not accept its donations. If the organization or individual commences fundraising without an agreement, the NPS will take appropriate steps to terminate the activity if it implicates the NPS in any way.

6.3 Fundraising Plans

All fundraising campaigns require a fundraising plan. While the complexity of the plan will vary according to the magnitude of the campaign, in general the plan must detail techniques, timing, staff needs (including use of paid consultants), strategy, costs, and other components prescribed in the *Reference Guide to Donations and Fundraising*. The plan must be approved by the Director or NPS official delegated the authority before the fundraising campaign may begin or be publicly announced.

A professional feasibility study to determine whether a campaign is likely to succeed is recommended as a first step for all significant fundraising campaigns, and may be required by the Director. Components required in a feasibility study are prescribed in the *Reference Guide to Donations and Fundraising*.

6.4 Campaign Costs

Fundraising campaigns will not be approved if the fundraising, management, and other overhead costs together are projected to exceed 20% over the life of the campaign. If an NPS partner conducts other activities in addition to the fundraising campaign to benefit NPS, the NPS campaign expenses and donations must be accounted for separately from the other activities. Fundraising campaign consultants or staff (if any), if compensated, can only be paid a salary or flat fee; the NPS will not approve a campaign where consultants or staff are paid commissions or a percentage of funds raised.

Neither appropriated funds nor contributions deposited to an NPS donation account may be used to fund or reimburse any of the fundraising costs associated with a fundraising campaign incurred by the fundraiser.

6.5 Endowments

Endowments can be established to provide a permanent source of annual funding to support a variety of park and programmatic needs. The establishment of an endowment should be considered for inclusion in any major fundraising campaign to provide for future operations, maintenance and repair costs, especially those associated with major capital improvements such as visitor centers. Endowments must be established by a written agreement under the auspices of the National Park Foundation or other tax exempt NPS partner, which can invest and manage the endowment in accordance with professional financial management standards. The agreement establishing the endowment must expressly state that the funds are to be used solely for the NPS purposes as generally described therein, the procedures for determining the annual level of funding available, the decision-making procedure for expenditures, and that the endowment must be subject to the scrutiny of a board of directors. (See the *Reference Guide to Donations and Fundraising* for more guidance.)

SECTION 7. DONOR RECOGNITION

Recognizing the support of donors is important. The NPS is appreciative of private sector contributions that aid in the accomplishment of its mission and will thank all donors in an appropriate fashion. Consistent with the policies expressed in this section, the specific recognition accorded donors may include letters of acceptance and appreciation, press releases, public events, mementos, certificates and other items that commemorate the gift.

When a physical form of in-park recognition is deemed appropriate by the NPS, only tasteful, temporary, and non-obtrusive displays, signs, or plaques may be used. The duration of this form of recognition may vary depending on the project, gift, and location.

Plaques or similar devices may not be affixed to the "historic fabric" of structures. (See also *NPS Management Policies*, Commemorative Works and Plaques 36 CFR 2.627)
Recognition of corporate donations must not give the impression of advertising, commercialization, or solicitation.

Park managers are strongly encouraged to develop a park-specific Donor Recognition Plan, and will be required to have one prior to the final approval of a fundraising campaign by the Director.

See the *Reference Guide to Donations and Fundraising* for examples of appropriate forms of donor recognition.

7.1 Credit Lines and Logos

Only a short, discrete, unobtrusive donor credit line, including name script or a logo, may be allowed on printed or electronic material, audio/video products, temporary construction/restoration signs, or as recognition for a special event. On other donated or donor-funded items (e.g., waysides, computer kiosks), only a short, discrete, unobtrusive credit line using the donor's name (but not logo or name script) may be used. No recognition will be allowed on motor vehicles. Advertising slogans may not appear under any circumstances.

7.2 Interpretive Programs

If a donation is integrally related to the park, to the existence of a park, or directly related to what is being interpreted, interpretive programs may identify the donor and how the donation is used.

7.3 Donor Boards and Walls.

Donor recognition boards/walls are permitted in visitor centers or other appropriate visitor facilities. Short-term displays may be appropriate during the life of a fundraising campaign, while longer term displays might be appropriate for significant gifts. Criteria for donor boards/walls will be established in advance by the park manager as part of the park's donor recognition plan.

7.4 Naming

Naming of features or facilities, or other forms of permanent recognition will not be used to recognize monetary contributions or other donations to a park or the NPS; exceptions must be approved by the Director.

7.5 Special Events

Park managers may recognize support for, or sponsorship of, NPS special events (festivals, clean-up days, etc.). This recognition may appear on banners, posters, flyers, and similar items, but in no case should the donor's role overshadow that of the NPS. (See *Reference Guide to Donations and Fundraising* for examples.) The recognition may use the event sponsor's name logo or name script, but may not include product names, slogans, or advertisements. On-site notices may be displayed in advance of the event at the discretion of the park manager. Off-site advertising of an event must not conflict with a national cause related marketing agreement (see section 5.4 *National Cause Related Marketing*). For non-NPS events, notices on temporary

displays directly associated with the event containing sponsor's names or logos or name script may be placed in close proximity to the event both in time and in location.

-----*End of Director's Order*-----